



**Department of Labor and Training**

Center General Complex  
1511 Pontiac Avenue  
Cranston, RI 02920-4407

Telephone: (401) 462-8000  
TDD: (401) 462-8006

Gina M. Raimondo  
Governor  
Scott R. Jensen  
Director

## **WORKFORCE INVESTMENT NOTICE: 15-06**

---

**TO:** WORKFORCE DEVELOPMENT AREAS

**FROM:** David Tremblay, Administrator, WIOA

**SUBJECT:** Preliminary Policy on Criteria for Selection and Appointment of Local Area Workforce Development Boards

**DATE:** September 14, 2015

**References:**

Workforce Innovation and Opportunity Act, Section 107; Training and Employment Guidance Letters (TEGL) 19-14 and 27-14; [Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking \(NPRM\)](#) (pages 20689-20966 [FR DOC# 2015-05530])

**Background:**

The vision for the Local Workforce Development Board (Local Board) is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local Board partners with employers and the workforce development system to develop policies and investments that support workforce system strategies that support regional economies, the development of effective approaches including local and regional sector partnerships and career pathways, and high quality, customer centered service delivery and service delivery approaches.

**Action:**

The local board composition criteria provisions of this policy must be implemented by October 1, 2015.

**Policy:**

### **Membership of the Local Board**

The Governor of the State, in partnership with the State board, shall establish criteria for use by Chief Elected Officials (CEOs) in the local areas for appointment of members of the local boards in accordance with WIOA requirements for local board composition.

As indicated below, WIOA provides minimum requirements as to what stakeholders are represented on local boards as well as minimum percentages of representation for two stakeholder categories: business and workforce.

Members appointed to the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.<sup>2</sup> A majority of the members of the local board shall be representatives of business in the local area.<sup>3</sup> The local board shall elect a chairperson for the local board from among the representatives of business on the local board.<sup>4</sup>

## **Composition of the Local Board**

### **Composition Criteria**

WIOA provides that the members of each local board shall include:

- **Representatives of Business**
  - A majority (at least 51 percent) of the membership shall be representatives of business in the local area
  - At a minimum, two members must represent small business as defined by the U.S. Small Business Administration
  - represent businesses, including small businesses, with employment opportunities that reflect the employment opportunities of the local area.
  - are to be appointed from among individuals (plural) nominated by local business organizations and business trade associations;
- **Representatives of the Workforce**
  - A minimum of 20 percent of the members shall include representatives of the workforce (workers) in the local area who:
    - shall include representatives (two or more) of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees; **and**
    - shall include a representative (at least one) from a labor organization or a training director, from a joint-labor management apprenticeship program, or if no such program exists in the area, such a representative of an apprenticeship program in the area, if one exists; **and**
    - May include (optional) representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; or in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
- **Representatives (two or more) of Education and Training**
  - Each local board shall include representatives of entities administering education and training activities in the local area who:
    - shall include a representative of eligible providers administering adult education and literacy activities; **and**
    - shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); **and**
    - may include representatives of local education agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

- If there are multiple eligible providers serving the local area by administering adult education and literacy services, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative from this category of local board composition shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively;
- Representatives (three or more) of Government, Economic and Community Development
  - Each board shall include members of governmental and economic and community development entities serving the local area who:
    - shall include a representative of economic and community development entities; **and**
    - shall include a representative from the State employment office under the Wagner-Peyser Act serving the local area; **and**
    - shall include a representative of vocational programs carried out under Title I of the Rehabilitation Act of 1973 (other than section 112 or Part C) serving the local area; **and**
    - may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; **and**
    - may include (optional) representatives of philanthropic organizations serving the local area;

#### Other Optional Representatives

Each local board may include such other individuals or representatives of entities as the CEO in the local area may determine to be appropriate.

### **Appointment and Certification of the Local Board**

#### Appointment of Board Members and Assignment of Responsibilities

The CEO in a local area is authorized to appoint the members of the local board for such area, in accordance with the State composition criteria established under Sec. 107(b). In a case in which a local area includes more than one unit of general local government, the CEOs of such units may execute an agreement that specifies the respective roles of the individual CEOs in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the composition criteria established under Sec. 107(b) and in carrying out any responsibilities assigned to such officials. If, after a reasonable effort, the CEOs are unable to reach agreement as provided above, the Governor may appoint the members of the local board from individuals so nominated or recommended.

#### Certification of the Local Board

The Governor shall, once every two years, certify one local board for each local area in the State. Such certification shall be based on the composition criteria established under Sec. 107(b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures and achieve sustained fiscal integrity. [Sustained fiscal integrity means that the Secretary has not made a formal determination, during either of the last two (2) consecutive years preceding the determination of such integrity, that either the grant recipient or the administrative entity of the area misexpended funds under WIOA or, if applicable, WIA, due to willful disregard of requirements, gross negligence, or failure to comply with accepted standards of administration.]

Failure of a local board to achieve certification shall result in appointment and certification of another local board for the local area pursuant to the process described in Sec. 107(c)(1) and Sec. 107(c)(2).